

Message Text

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ORIGIN IO-14

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TO AMEMBASSY MOSCOW

INFO AMEMBASSY BONN

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C O N F I D E N T I A L STATE 193449

E.O. 11652: GDS

TAGS: PFOR, UR

SUBJECT: SOVIETS RATIFY TWO HUMAN RIGHTS COVENANTS

REF: MOSCOW 11751

1. FOLLOWING IS INFO ON TWO HUMAN RIGHTS COVENANTS
REQUESTED PARA 6 REFTEL.

2. THE TWO COVENANTS WERE UNANIMOUSLY ADOPTED AND OPENED
FOR SIGNATURE, RATIFICATION AND ACCESSION BY UNGA ON
DECEMBER 16, 1966. EACH COVENANT REQUIRES 35 RATIFICATIONS
OR ACCESSIONS FOR ENTRY INTO FORCE. ACCORDING TO OUR
INFORMATION, COVENANTS HAVE TO DATE RECEIVED 20 RATIFICA-
TIONS AND ACCESSIONS, INCLUDING RATIFICATION OF USSR.

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3. WHILE US JOINED IN VOTING FOR COVENANTS IN GA, US HAS
3- WHILE US JOINED IN VOTING FOR COVENANTS IN GA, US HAS
NEITHER SIGNED NOR RATIFIED THEM. IN EXPLAINING OUR
AFFIRMATIVE VOTE US REP AT 1966 UNGA POINTED OUT THAT IN
MANY RESPECTS STANDARDS EMBODIED IN COVENANTS LOWER THAN
THOSE RECOGNIZED IN THE US. AS EXAMPLES OF ARTICLES IN
CIVIL AND POLITICAL COVENANT WHICH WE DEEM TO BE UNSATIS-
FACTORY ARE ARTICLE 12 ON FREEDOM OF MOVEMENT, ARTICLE
19 ON FREEDOM OF EXPRESSION, ARTICLE 21 ON PEACEFUL
ASSEMBLY AND ARTICLE 22 ON FREEDOM OF ASSOCIATION, ALL OF
WHICH ALLOW FOR SUCH BROAD RESTRICTIONS ON BASIC RIGHTS AS
TO, IN EFFECT, SERIOUSLY UNDERMINE THE RIGHTS THEMSELVES.
ARTICLE 20 OF CIVIL AND POLITICAL RIGHTS COVENANT OUTLAW-
ING PROPAGANDA FOR WAR AND ADVOCACY OF TYPES OF HATRED IS
INCONSISTENT WITH US FREE SPEECH GUARANTEES. CERTAIN
PROVISIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS
COVENANT WOULD SERIOUSLY UNDERMINE ECONOMIC PROTECTIONS
FOR ALIENS IN DEVELOPING COUNTRIES. OUR EXPLANATION OF
VOTE AT UNGA MADE CLEAR THAT AFFIRMATIVE VOTE CARRIED NO
IMPLICATION WITH REGARD TO SIGNATURE OR RATIFICATION OF
COVENANTS.

4. IN ADDITION TO MANY PROBLEMS WE HAVE WITH SUBSTANCE
OF COVENANTS, ENTIRE SUBJECT OF HUMAN RIGHTS CONVENTIONS
HAS BEEN ESPECIALLY DIFFICULT FOR STATES SUCH AS US HAVING
FEDERAL STRUCTURE. WHEN CERTAIN OTHER HUMAN RIGHTS
CONVENTIONS HAVE BEEN SUBMITTED TO THE SENATE FOR ADVICE
AND CONSENT TO RATIFICATION, SENATE HAS REFUSED ACTION
GENERALLY BECAUSE OF UNEASE OVER EFFECT SUCH TREATIES
WOULD HAVE UPON EXISTING CONSTITUTIONAL BALANCE BETWEEN
THE FEDERAL GOVERNMENT AND THE STATES. MOST HUMAN RIGHTS
TREATIES, OF WHICH COVENANTS ARE MOST EXTREME EXAMPLE,
DEAL WITH SUBJECTS WHICH UNDER OUR CONSTITUTION FALL
WITHIN JURISDICTION OF SEPARATE STATES. RATIFICATION OF
TREATIES COVERING SUCH HUMAN RIGHTS MATTERS WOULD
ESTABLISH FEDERAL JURISDICTION OVER SUCH AREAS. BOTH
COVENANTS CONTAIN COMMON ARTICLE EXPRESSLY EXTENDING
COVENANT PROVISIONS "TO ALL PARTS OF FEDERAL STATES
WITHOUT ANY LIMITATIONS OR EXCEPTIONS."

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5. FOR ALL THE FOREGOING REASONS, USG HAS NO PRESENT
INTENTION OF SUBMITTING COVENANTS TO SENATE FOR ADVICE
AND CONSENT TO RATIFICATION.

6. DEPT. POUCHING EMBASSY COPIES OF TWO COVENANTS. KISSINGER

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